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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 91-095-W - ORDER NO. 92-14 ✓
JANUARY 15, 1992

IN RE: Application of Upstate Heater Utilities,) ORDER
Inc. for an Increase in its Water Rates) RULING ON
and Charges.) MOTION

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion filed by Thomas J. Studebaker (an Intervenor) in the above referenced proceeding. Mr. Studebaker requests that the Commission take the following actions: (1) Reschedule the hearing to a date not before April 2, 1991 (sic); (2) Issue an Order that requires that Company to respond to Intervenor's interrogatories in a timely fashion; and (3) Any further procrastination on the Company's part should result in a close-out of Docket No. 91-095-W and its thirty (30) day Letter of Intent.

In considering the request of Mr. Studebaker, the Commission notes that the Company's Application was filed on November 14, 1991. On or about November 25, 1991, the Commission's Executive Director required the Company to publish a Notice of Filing and Hearing indicating the March 12, 1992 hearing date in newspapers of general circulation, in the affected area, on or before December 16, 1991, and require the Company to furnish the customers similar notice by bill insert or otherwise, on or before

December 16, 1991. Additionally, the return date, or the time for which intervention would be received, was set for January 27, 1992. The Commission notes that the present Intervenor's have had the opportunity to conduct their discovery before the close of the intervention period. The Commission also finds that the time between the January 27, 1992 return date and the March 12, 1992 hearing date provides ample time for any party wishing to participate in this proceeding to conduct discovery and prepare their case. This time period is in compliance with the Commission's Rules of Practice and Procedure, as well as applicable law. No party is prejudiced by the March 12, 1992 hearing date. Therefore, the Commission's previously scheduled and noticed to the public hearing date of March 12, 1992, will remain as scheduled unless good cause may be shown why it should be changed.

As to the other two issues noticed by Mr. Studebaker in his Motion relating to the Company's response to the Intervenor's interrogatories, the Commission has dealt with that matter in Order No. 91-1115, dated December 12, 1991. The Commission found that good cause existed to grant an extension for the Company to file its answers to the interrogatories propounded by Mr. Studebaker and Mr. Kapp. The Commission expects all parties to act in good faith in propounding, as well as answering any interrogatories or data requests that are filed in this proceeding. The Commission finds that no prejudice has been alleged by Mr. Studebaker resulting from the extension. Any

specific problem should be brought promptly by any party to the Commission's attention so that it may be dealt with properly.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)